



KEVIN G. WALSH  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct: (973) 596-4769 Fax: (973) 639-6470  
kwash@gibbonslaw.com

April 18, 2019

**VIA ECF**

Honorable Michael A. Shipp, U.S.D.J.  
United States District Court  
for the District of New Jersey  
Clarkson S. Fisher Federal Building  
and United States Courthouse  
402 East State Street  
Trenton, New Jersey 08608

**Re: United States v. Victor Santos**  
**Crim. No. 18-00585 (MAS)**

Dear Judge Shipp:

This firm represents Victor Santos in the above-referenced matter. We write to most respectfully request entry of an Order allowing the Defendant to travel to Portugal from May 2 to May 15, 2019, consistent with his same travel to Portugal in 2018 and pursuant to the enclosed Order authorizing this activity. We have proposed to the government prosecutors that the Court authorize this travel pursuant to a Consent Order, but the Special Assistant U.S. Attorneys are objecting to Mr. Santos's travel. For the Court's reference, a copy of the previously authorized 2018 travel order is enclosed with this letter.

The Office of Pretrial Services informed us today that the Defendant has been fully compliant with all terms of his pretrial release since October 2017 and, moreover, two Pretrial Services Officers conducted an unremarkable home inspection at the Defendant's residence in the first week of April 2019. As they did last year, Pretrial Services takes no position on the Defendant's current travel request, which is necessitated (as it was last year) by the need for Mr. Santos to check on his mother's home and property in Portugal while she remains here in the United States. His mother, who is 92, will visit her home in Portugal in the summer, and Mr. Santos will be preparing the home ahead of her visit, including making renovations to make the home more handicap accessible. In addition, as he did last year, Mr. Santos will be visiting a religious shrine in Fátima (the 13<sup>th</sup> of May is significant in this regard). Objectively, there is no indication whatsoever that Mr. Santos is planning to flee the District of New Jersey or is a risk of flight. Mr. Santos has appeared on time at every court appearance since this matter was initiated in October 2017.

Nonetheless, the government prosecutors informed the undersigned earlier today of their specious assertion that, despite their prior consent to Mr. Santos's travel in summer 2018, despite

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his substantially similar 2018 itinerary, and despite his history of full compliance with all bail conditions, Mr. Santos is somehow a far greater flight risk now than he was in July 2018. We recognize that, when he traveled last summer, Mr. Santos had not been indicted by the grand jury, but even by that time, the government had made it perfectly clear that Mr. Santos would be indicted shortly thereafter, which he was. If the Defendant is truly a flight risk, he would have fled the District of New Jersey during his travel in July 2018. Of course, he did not do so, which is not surprising given his extremely close ties to the community here in New Jersey, both on the business and personal sides, where he has lived since 1978. Specifically, Mr. Santos is a real estate developer and investor, and his work requires his long term local presence to be successful (e.g., working with contractors, architects and engineers, and obtaining local development approvals and permits). His primary source of income is rental income from property in New Jersey. Also, Mr. Santos' only child resides in New Jersey. The government also adds the baseless assertion that Mr. Santos seems to be traveling for some sort of leisurely "vacation"; as set forth above, he is not.

In sum, the relief that Mr. Santos here seeks from the travel conditions imposed upon him is common in the District, especially for a defendant, like Mr. Santos, who is not only presumed innocent, but also has strong ties to the Newark community and no criminal record, and who has fully complied with all conditions of his pretrial release. Accordingly, he respectfully requests permission from this Court to travel to Portugal consistent with the terms of the enclosed, proposed Order. We thank the Court for considering this request.

Respectfully submitted,

s/ Kevin G. Walsh  
Lawrence S. Lustberg  
Kevin G. Walsh

Enclosure

cc: SAUSA Kevin DiGregory (via email)  
SAUSA Charlie Divine (via email)  
All counsel of record (via ECF)